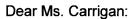


August 27, 2009

Ms. Kate Carrigan KDOW - Floodplain Coordination 200 Fair Oaks Lane Frankfort, Kentucky 40601

RE: Water Quality Certification/Floodplain Coordination City of Danville Sub Basin R Projects 1, 3, and 4

Boyle County, Danville, Kentucky



Enclosed is the permit application for work being completed on Sub Basin R to reduce flooding and standing water in the neighborhood on an unnamed headwater tributary to Clarks Run. This project is part of a watershed study completed by CDP Engineers, who developed 9 potential capital projects as part of their analysis. Projects 1, 3, and 4 are being submitted for review. The work entails the re-design of two existing basins and construction of two new basins. The following materials are attached for review:

- Permit Application (DOW 7116)
- Exhibits Project Location Map and Conceptual project drawings
- Permit Application (ENG FORM 4345 exhibits submitted with this application included the same ones mentioned above)
- Preliminary JD form for the project (Unnamed tributary of Stoner Creek) and project photos

CDP is providing engineering services for the City of Danville on this project. No negative long-term environmental impacts are anticipated on this project. If you or the project manager assigned to this project, have any questions, please feel free to contact me at 859-264-7500.

Sincerely,

CDP Engineers, Inc.

Liz Bullock, PE Project Manager

Cc: Joyce Frye

08068

### COMMONWEALTH OF KENTUCKY

### ENVIRONMENTAL AND PUBLIC PROTECTION CABINET DEPARTMENT FOR ENVIRNOMENTAL PROTECTION

**DIVISION OF WATER** 

### APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM AND / OR WATER QUALITY CERTIFICATION By\_\_\_\_\_\_

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. If the project involves work in a stream, such as bank stabilization, dredging or relocation, a 401 Water Quality Certification (WQC) from the Division of Water will be required. This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb more than 1 acre of soil, A Notice of Intent for Storm Water Discharges will also be required. Both forms must be returned to the Floodplain Management Section of the Division of Water.

OWNER: Josh Morgan Give name of person(s), company, governmental unit, or other owner of proposed project.
MAILING ADDRESS: P.O. Box 670 219 West Walnut Street Danville, KY 40423
TELEPHONE #: 859-238-1200 EMAIL: jmorgan@danvilleky.org
AGENT: Elizabeth Bullock Give name of person(s) submitting application, if other than owner.
ADDRESS: CDP Engineers, 3250 Blazer Parkway Lexington, KY 40509
TELEPHONE #: 859-264-7500 EMAIL: lbullock@cdpengineers.com
ENGINEER: Elizabeth Bullock P.E. NUMBER: 23126 Contact Division of Water if waiver can be granted.
TELEPHONE #: 859-264-7500 EMAIL: lbullock@cdpengineers.com
DESCRIPTION OF CONSTRUCTION:
COUNTY: Boyle NEAREST COMMUNITY: Danville
USGS QUAD NAME Junction City LATITUDE/LONGITUDE: N37 37 13.55 W84 46 07.63
STREAM NAME: <u>Un-named Tributaries of Clarks Run</u> WATERSHED SIZE (in acres): <u>83 ac</u>
LINEAR FEET OF STREAM IMPACTED: 1200 L.F.
DIRECTIONS TO SITE: From the Intersection of Main Street and 4 <sup>th</sup> Street (Hustonville Road) travel south approximately 1.8 miles to Lisa Ave. Turn left onto Lisa Ave and travel approximately ½ mile to the Intersection of Main Street and 4 <sup>th</sup> Street (Hustonville Road) travel south

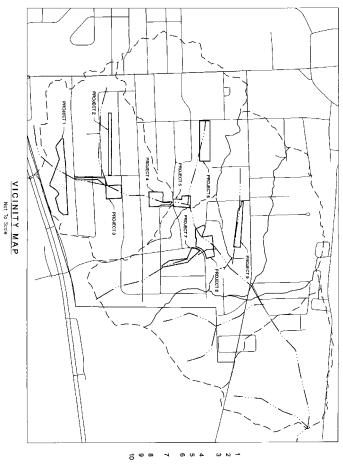
10. 11.	IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE?   Yes XNo If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE:   ESTIMATED BEGIN CONSTRUCTION DATE: October 2009
12.	ESTIMATED END CONSTRUCTION DATE: January 2010
13. 14.	HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS of ENGINEERS? ■ Yes □No If yes, attach a copy of that permit. — Permits have been submitted concurrently.  THE APPLICANT MUST ADDRESS PUBLIC NOTICE:
	(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:  Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)  Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)
	(b) _X I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:
Coord	Low Environmental Impact on the project and one public meeting has already been held.  lination with the property owners is ongoing.  Contact Division of Water for requirements.
15.	I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:
	Hugh Coomer, Mayor, City of Danville
	Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.
16.	LIST OF ATTACHMENTS:  Project location map, preliminary plans, and 404 permit application.  List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.
17.	I, (owners Initials) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTYON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION
	WILL OCCUR (for dams, this includes the area that would be impounded during the design flood).
18.	REMARKS: Conservation easements are currently being developed and will be completed before construction
	begins. Easements will be held in perpetuity.
	I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.  SIGNATURE:
	Owner or Agent sign here. (Wigned by Agent, a Power of Attorney should be attached.)  DATE: 6/27/209
	SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:
	Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.
	DATE: 8/27/2009

 ${\bf SUBMIT\ APPLICATION\ AND\ ATTACHMENTS\ TO:}$ 

Floodplain Management Section

# DANVILLE SUB BASIN R

## DANVILLE, KENTUCKY 40423 CITY OF DANVILLE 219 WEST WALNUT STREET



Prepared By:

**cdp**engineers

APRIL 2009

### SHEET INDEX

COVER SHEET, VICINITY MAP

- PROJECT 1 DETENTION BEHIND COMMERCIAL DEVELOPMENT
- PROJECT 2 DRAINAGE BETWEEN MADISON & W JEFFERSON PROJECT 3 DETENTION AND DRAINAGE IMPROVEMENTS BETWEEN MADISON & E JEFFERSON
- PROJECT 5 STREAM COMFLUENCE ON CHERYL LANE PROJECT 6 STREAM, WETLAND AND EDUCATION PROJECT BEHIND SCHOOL BUILDING

PROJECT 4 - DETENTION ALONG BROOK LANE

- PROJECT 7 STREAM ENHANCEMENT & FLOODPLAIN DEVELOPMENT BETWEEN BROOKSHIRE & BUTLER
- PROJECT 8 PRESERVATION & WALKING TRAIL
- PROJECT 9 NUISANCE FLOODING BEHIND BAUGHMAN

### Danville Sub Basin R Property Owners

Danville Manor LLC 1020 Industry Road Danville, KY. 40422

John and Nannie Huckle 43 Little Needmore Danville, KY. 40422

McHack Investments, Inc. 451 Big Wildcat Road Danville, KY. 40422

Coast United Advertising

### APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)

OMB APPROVAL NO. 0710-0003 Expires December 31, 2004

Public burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate of any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and the to the office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington DC 20503. Respondents should be aware that notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

### PRIVACY ACT STATEMENT

Authority: Rivers and Harbors Act, Section 10, 33 USC 403, Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, Search 103, 33 USC 1413. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see example drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

	(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)							
1.	APPLICATION NO.	2. FIELD OFFICE CODE	3. D	ATE RECEIVE	4. DATE APPLICATION COMPLETED			
		(ITEMS TO BE	E FILLED BY	APPLICANT)	The state of the s			
	<ol> <li>APPLICANT'S N.</li> </ol>	AME	8.	AUTHORIZED	AGENT'S NAME AND TITLE (an agent is not required)			
	Josh Morgan			Liz Bullock CDP Engin				
	2. APPLICANT'S ADDR	ESS	9.	AGENT'S ADD	PRESS			
	City of Danville			3250 Blaze	r Parkuav			
	P.O. Box 670 219 W. Danville, KY 40423	Walnut Street			Kentucky 40509			
7. A	PPICANT'S PHONE NOS. W	/AREA CODE	10. /	AGENT'S PHON	E NOS. W/AREA CODE			
a.	Residence		l <sub>a.</sub>	Residence				
b.	Business 859-238-12	00	b.	Business	(859) 264-7500			
11.		STATE	MENT OF AU	THORIZATION				
	_	lemental information in support of	in my beha of this pern	alf as my age nit application	nt in the processing of this application and to			
		$\mathcal{I}_{\alpha}$			1//2 12 - 1			

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APPLICATION NO.	2. FIELD OFFICE CODE	DATE RECEIVED     4. DATE APPLICATION COMPLETED
	(ITEMS TO BE F	ILLED BY APPLICANT)
1. APPLICANT'S		8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required)
Josh Morgan		Liz Bullock CDP Engineers
2. APPLICANT'S AD City of Danville P.O. Box 670 219 Danville, KY 4042	W. Walnut Street	9. AGENT'S ADDRESS  3250 Blazer Parkway  Lexington, Kentucky 40509
7. APPICANT'S PHONE NOS	W/AREA CODE	10. AGENT'S PHONE NOS. W/AREA CODE
a. Residence b. Business 859-238-		a. Residence b. Business (859) 264-7500
	STATEME	NT OF AUTHORIZATION
ha	pplemental information in support of	my behalf as my agent in the processing of this application and to this permit application.  8/27/2009  DATE
	NAME LOCATION AND DESC	RIPTION OF PROJECT OR ACTIVITY
12. PROJECT NAME OR TI	TLE (see instructions)	
	(, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
Unnamed tributary  15. LOCATION OF THE PRO	to Clarks Run	
<b>D</b> I	101	
Boyle COUNTY	KY	
	SCRIPTIONS, IF KNOWN, (see Instructions)	
	N7 63 Various streets within the s	ubdivision

17. DIRECTIONS TO THE SITE

From the intersection of Main Street and 4th Street (Hustonville Road), travel approximately 1.8 miles to Lisa Avenue. Turn left onto Lisa Avenue and travel approximately ¼ mile to the Intersection of Lisa Avenue and McKinley Street. Project begins on the south side of Lisa Avenue.

18. Nature of Activity (Description of project, include all features)

The overall project consists of multiple individual projects with this permit covering Projects 1, 3 and 4. The project is to consist of the reshaping of approximately 1200 l.f. of roadside drainage ditches and backyard streams with a 2'-0" wide flat bottom ditch and 3:1 side slopes and the installation/repair of headwalls at various road crossings with trash racks installed on the upstream side. Two existing detention basins will be reworked to improve holding and release patterns. Additionally, two new detention basins will be constructed to reduce flooding. Wetland characteristics will be designed within the new detention basins and planted with a suitable riparian zone mix. The areas disturbed within the preject limits about the planted with mathe areas and trees to be

		he neighborhood.	man be planteu with	lative grasses and tre	ees to improve wat	er quality and
19.	Project Purpose	(Describe the reason or purpose of t	he project, see instructions)			
		of the project is to slow sur ding water within the subdi		order to reduce peak	flows within the w	atershed and
20.	Reason(s) for Dis	scharge	<u>,                                      </u>	144 H H L L L L L L L L L L L L L L L L L		
		USE BLOCKS 20-22 IF D	REDGED AND/OR FILL M	ATERIAL IS TO BE DISCHA	ARGED	
21.	Types of Materia	l Being Discharged and the Amo	unt of Each Type in Cubi	c Yards		
22.	Surface Area in A	Acres of Wetlands or Other Wate	rs Filled (see instructions)			
	NA					
23.	Is Any Portion of t	he Work Already Complete?	Yes ☐ No ⊠	IF YES, DESCRIBE TH	IE COMPLETED WORK	
24.		joining Property Owners, Lessee supplemental list).	s, Etc., Whose Property	Adjoins the Waterbody (If	more than can be ente	red here,
	See attached	sheets				
25.	List of Other Certific	ations or Approvals/Denials Receive	d from other Federal, State of	or Local Agencies for Work D	escribed in this Application	n.
	AGENCY	TYPE OF APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
	ntucky ision of Water	Water Quality Certification/Floodplain Certification		Submitted concurrently		
		KPDES General Permit		To be submitted		
		ot restricted to zoning, building a				
арр		eby made for a permit or permits e and accurate. I further certify to of the applicant				
	// -	FAPPLICANT DA	1/2009 Xm	Bullock ENATURE OF AGENT	8/27	109
	/				DA	TE
		be signed by the person who des		posed activity (applicant)	or it may be signed by	a duly

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department of agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

### Danville Sub Basin R Property Owners

Danville Manor LLC 1020 Industry Road Danville, KY. 40422

John and Nannie Huckle 43 Little Needmore Danville, KY. 40422

McHack Investments, Inc. 451 Big Wildcat Road Danville, KY. 40422

Coast United Advertising 8020 Deering Ave. Canoga Park, CA. 91304

Rhodes Development, Inc. 132 N. Second Street Danville, KY. 40422

Julie Rhodes 305 N. Third Street Danville, KY. 40422

Martin and Dorotha Thompson 120 Erskine Drive Danville, KY. 40422

### **ATTACHMENT**

### PRELIMINARY JURISDICTIONAL DETERMINATION FORM

### BACKGROUND INFORMATION

- A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):
- B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Liz Bullock, PE CDP Engineers 3250 Blazer Parkway Lexington, KY 40509

- **C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Louisville District, City of Danville Sub Basin R, Danville, Kentucky
- D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: CDP was hired by the City of Danville to complete a watershed analysis on Sub Basin R due to complaints related to flooding issues and standing water. With the completion of the project, CDP recommended 9 potential capital projects that would reduce flooding in the watershed and increase water quality. This application represents the first three projects that will be completed (1, 3, and 4) on an unnamed tributary to Clark's Run. The other projects are located on unnamed tributaries that join with this tributary and will be completed at a later date. Work consists of redesigning two existing basins and constructing two new basins. Wetland features (plantings and habitat structures) and a stable low flow channel will be incorporated into the basin designs.

### (USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: Kentucky County/parish/borough: Boyle City: Danville Center coordinates of site (lat/long in degree decimal format): See attached table

Universal Transverse Mercator:

Name of nearest waterbody: Unnamed tributary to Clarks Run

Identify (estimate) amount of waters in the review area:

Non-wetland waters: ~1200 linear feet: linear feet: 4 width (ft) and/or acres.

Cowardin Class: Riverine Stream Flow: Intermittent Wetlands: acres.

Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

Ε.	REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
	Office (Desk) Determination. Date:
	Field Determination. Date(s):

- 1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.
- 2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions: (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization: (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

2

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply -
checked items should be included in case file and, where checked and requested, appropriately reference sources below):
✓ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
Project Location map on USGS topo; Preliminary Project Plans (1, 3, & 4).
☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: .
☑ Corps navigable waters' study: Public Notice No. 83-LD016.
U.S. Geological Survey Hydrologic Atlas:
USGS NHD data.
USGS 8 and 12 digit HUC maps.
U.S. Geological Survey map(s). Cite scale & quad name:24:000, Junction City,
Kentucky.
☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
☐ National wetlands inventory map(s). Cite name:
☐ State/Local wetland inventory map(s):
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of
<u>19</u> 29)
or ⊠ Other (Name & Date):Sub Basin R Projects 1,3, & 4 photos -
March 2009.
☐ Previous determination(s). File no. and date of response letter: .
Other information (please specify):
IMPORTANT NOTE: The information recorded on this form has not necessarily
been verified by the Corps and should not be relied upon for later jurisdictional determinations.
<u>ueterminations.</u>
La Bulla de 8/27/10
Signature and date of Signature and date of
Regulatory Project Manager person requesting preliminary JD
(REQUIRED) (REQUIRED, unless obtaining the
signature is impracticable)

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
1	Basin 1 37°37'11.29" Basin 2 37°37'11.58"	Basin 1 84°46'13.23" Basin 2 84°46'06.40"	Riverine	130	Non-section 10 – non- wetland
3	Stream Begin 37°37'14.09" Stream End 37°37'18.92" Basin 3 37°37'20.48"	Stream Begin 84°46'07.00" Stream End 84°46'05.68" Basin 3 84°46'03.64"	Riverine	820	Non-section 10 – non- wetland
4	<u>Basin 4</u> 37°37'27.64"	Basin 4 84°46'02.34"	Riverine	250	Non-section 10 – non- wetland